

## REMARKS

No claims have been added, cancelled or amended. The specification has not been amended. Claim 15 was previously withdrawn under traverse. Claims 1-9, 11-18 and 20-22 are pending in the application.

### **The teaching of the Yamada reference.**

The Yamada reference (U.S. Patent No. 5,213,865) is directed to an antistatic, multilayer floor mat for use in an automobile. See, for example, the Abstract and column 1, lines 8-13 therein. The multilayer floor mat is indicated in the Yamada reference by numeral 11. See column 3, line 64.

The multilayer floor mat is formed from a base cloth layer (reference numeral 12), a pile (reference numeral 13) that is woven through the base cloth layer and a backing up material layer (reference numeral 14). The backing up material layer 14 is required for fixing the pile 13 to the base cloth layer 12. See column 3, lines 64-68 and Figures 2 and 8-10 therein. The pile 13 is comprised of a plurality of fibers. Some of the fibers must be conductive fibers 15. See column 4, lines 8-17.

The Yamada text at column 4, lines 1-4 states: "The base cloth (12) may be made by cutting a fabric such as a non-woven fabric, a mesh, and a nylon fabric or the like to a predetermined shape." A computer search of the text of the Yamada reference does NOT reveal any further details concerning the makeup of the base cloth 12 layer.

- **The Examiner's position as best understood.**

Paragraph 18 spanning page 3 to page 4 of the Office communication states:

Yamada describes mixing fibrous components with components made from synthetic resin (corresponding to the claimed mixture of synthetic material with natural fibers), (see abstract). Yamada describes the making of a base cloth which can be a non-woven fabric, (column 4, lines 1-5). Yamada describes the mixing of carbon fibers, synthetic polymer fibers, and wood pulp, (column 7, lines 66-68; column 8, lines 1-3). Yamada describes the fibers can have lengths of about 6 mm., (column 8, lines 4-14). Yamada describes synthetic polymer fibers can be polyethylene or polypropylene, (counn [sic] 4, lines 48-55). Yamada

implies that the weight of the wood pulp fibers is 15% by weight, (column 8, lines 1-2), which implies that the synthetic fiber amount would be 20-70% by weight which encompasses the claimed invention. It is the examiner's position that Yamada describes the essential limitations of the claimed invention regarding a single layer wet laid and a mixture of synthetic material with natural fibers. Nonwoven web is inherent, (column 4, lines 1-4), in Yamada.

As best understood, the Examiner appears to assert that the Yamada floor mat is made only from the Yamada base cloth and further that the Yamada reference describes the makeup of the base cloth at the cited text sections.

- **Problems with the Examiner's asserted position.**

The Examiner fails to discuss whatsoever the fact that the Yamada floor mat is clearly taught to be a multilayer structure as described in the text and shown in FIG. 2, FIG. 8, FIG. 9 and FIG. 10. The Examiner has NOT explained what relevance a multilayer, automobile floor mat has to a single layer, non-woven web such as used in tea bags.

As discussed above, the Yamada reference does disclose a multilayer automobile material made from a base cloth layer (reference numeral 12) in combination with a pile (reference numeral 13) that is woven through the base cloth layer and a backing up material (reference numeral 14) (see, for example, FIG. 2 therein). The Yamada text at column 4, lines 1-4 states: "The base cloth (12) may be made by cutting a fabric such as a non-woven fabric, a mesh, and a nylon fabric or the like to a predetermined shape." As stated above, a computer search of the text of the Yamada reference does NOT reveal any further details concerning the makeup of the base cloth layer 12.

The Examiner asserts that: "Yamada describes mixing fibrous components with components made from synthetic resin (corresponding to the claimed mixture of

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synthetic material with natural fibers), (see abstract).” The Examiner appears to relate this disclosure to the Yamada base cloth. The Examiner has not provided line numbers for this abstract text. However, the ONLY reference to “synthetic resin” in the abstract appears to relate to the pile fibers and NOT the base cloth. See, for example, the abstract at lines 6-9, which states, with underlining added: “An antistatic mat according to Claim 1 is characterized in that it includes: pile including conductive fibers containing conductive components partially protruding from the surface of synthetic resin.” and at lines 17-23, which states, with underlining added: “An antistatic mat according to Claim 4 is characterized in that it includes: a core member formed by focusing fibrous conductive compound fiber provided in the center of the fiber; and a sheath member composed of non-conductive synthetic resin surrounding and covering the core member.” and at lines 27-31 which states, with underlining and bracketed text added: “An antistatic mat according to Claim 5 is characterized in that the conductive compound fibers [the pile, see lines 6-9 of the abstract] are formed by mixing fibrous conductive components with non-conductive components composed of non-conductive synthetic resin, . . .” and again at lines 34-40 which states, with underlining added: “An antistatic mat according to Claim 6 is characterized in that it includes pile including conductive components protruding from one surface of the synthetic resin; and a conductive layer composed of conductive material and provided between pile and base cloth in the state that the conductive layer contacts with the conductive compound fibers. “ Note that the abstract at lines 34-40 clearly distinguishes the synthetic resin containing pile from the base cloth. Contrary to the examiner’s assertion, there is no teaching or suggestion in the abstract that the base cloth is a mixture of “fibrous components with components made from synthetic resin”.

The Examiner asserts that: “Yamada describes the making of a base cloth which can be a non-woven fabric, (column 4, lines 1-5). Yamada describes the mixing of carbon fibers, synthetic polymer fibers, and wood pulp, (column 7, lines 66-68; column 8, lines 1-3).” This mixing is, as best understood, asserted by the Examiner to be for

the base cloth. The entire relevant text of this section (column 7, line 58 to column 8, line 19) of the Yamada reference states, with underlining and bracketed text added:

Referring to FIG. 8, a conductive layer (19) is made by protruding the above-mentioned conductive material [pile, element 13 containing conductive fibers, element 15, see column 7, lines 44-45] such as carbon fiber from the surface of the conductive layer (19) composed of conductive material for the purpose of atmospheric [sic] discharge of the static electricity.

An example of such conductive layer (19) is disclosed in the publication of Published Unexamined Japanese Patent Application No. 62-15639. The conductive layer (19) as above is composed of 3-15 weight % of short hair carbon fiber, 20-70 weight % of short hair fiber of synthetic resin, and remaining weight % of wood pulp, preferably paper having properties of half-value period equal to or less than 5 minutes and triboelectrified voltage equal to or less than 40 V. The paper used in this embodiment is made by mixing 5 weight % of 1 d x 6 mm short hair carbon fiber produced from acrylonitrile polymeric fiber made based upon a conventional method, 35 weight % of 1 d x 6 mm short hair polyethelene [sic] terephthalate fiber wood pulp, and 15 weight % of binder to cut the above mixture by means of a beating machine for obtaining finer and homogeneous mixture produced by adopting wet paper forming method. The conductive material composed of carbon fiber is protruded irregularly from the surface of the conductive layer (19) perpendicularly or slantingly. By protruding the top end made of conductive material composed of carbon fiber by not less than 50 hairs/cm<sup>2</sup> from the surface of the conductive layer (19), static characteristic is sufficiently achieved.

As shown in FIG. 8 of Yamada, the conductive layer 19 is sandwiched between the base cloth layer 12 and the backing material layer 14. As stated in Yamada, "not less than 50 hairs/cm<sup>2</sup>" of pile 13 containing conductive fibers 15 are woven through the base cloth 12 and conductive layer 19 and project from the face of the base cloth.

In sum, and contrary to the Examiner's assertion, the text cited by the Examiner does NOT refer to the base cloth layer. The text cited by the Examiner does refer to a conductive layer that is part of a multilayer automobile mat and also explicitly teaches that conductive fibers must be woven through this conductive layer.

The Yamada text does go on to state at column 8, lines 20-23: "The above-mentioned material is not limited to the conductive layer (19), and various materials

which are produced at any process for forming antistatic mat are available.” This statement appears to refer to materials useful for a multilayer antistatic mat and does not appear relevant to Applicant’s claims.

The Examiner asserts that: “Yamada describes synthetic polymer fibers can be polyethylene or polypropylene, (column [sic] 4, lines 48-55).” As best understood, the Examiner appears to be asserting that the polyethylene or polypropylene fibers are used in the base cloth. The entire relevant text of this section (column 4, lines 48-66) states, with underlining and bracketed text added:

Any fiber forming non-conductive synthetic resin is available for the sheath member (17) [of the conductive fiber 15 which is part of the pile 13, see Figures 2, 4, and 5]. Preferable fiber is a polyamide such as nylon-6, nylon-66, or nylon-12, polyester acrylic polymer such as polyethylene phthalate or polybutylene terephthalate or polyolefine [sic] such as polyulethane [sic] and polyplopylene [sic]. The fiber having core and sheath structure is made in the manner that non-conductive resin surround and coat the core member (16) formed by focusing electroconductive components (18). Coating of the core member (16) by the sheath member (17) may be made based on any conventionally proposed method. In this embodiment, it is adopted a method by melting non-conductive resin forming the sheath member (17), soaking the core member (16) in the melted fluid of non-conductive resin, impregnating the conductive components forming the core member (16) as well as the surface of the core member (16) with resin, and cooling and solidifying non-conductive resin to form the coating layer of the non-conductive resin.

In sum, and contrary to the Examiner’s assertion, the text cited by the Examiner does NOT refer to the base cloth layer (12). As shown in detail in FIG. 4-5, the text cited by the Examiner does refer to the conductive fibers 15, which are comprised of a sheath member 17 and a core member 16. As shown in detail in Fig. 2-3 the conductive fibers 15 are a part of the pile 13 that is woven through the base cloth layer.

The Examiner asserts that: "Yamada implies that the weight of the wood pulp fibers is 15% by weight, (column 8, lines 1-2), which implies that the synthetic fiber amount would be 20-70% by weight which encompasses the claimed invention." As best understood, the Examiner appears to be asserting that this weight of wood pulp is used in the base cloth. As discussed in more detail above, the cited text does NOT refer to the base cloth layer. The text cited by the Examiner does refer to a conductive layer 19 as disclosed in a published unexamined Japanese patent application having specified electrical properties that is part of a multilayer automobile mat and also explicitly teaches that conductive fibers must be woven through the conductive layer.

**The rejection of claims 1-4, 6, 9, 11 and 16-18 under 35 U.S.C. §102(e).**

Claims 1-4, 6, 9, 11 and 16-18 were rejected under 35 U.S.C. §102(e) as allegedly having each and every feature and interrelationship anticipated by U.S. Patent No. 5,213,865 to Yamada.

"It is elementary that an anticipation rejection requires a showing that each limitation of a claim must be found in a single reference, practice, or device." In re Donohue, 226 USPQ 619, 621 point 2 (Fed. Cir. 1985). Further, to be prior art under 35 U.S.C. §102 a reference must contain an enabling disclosure of the invention. Chester v. Miller, 15 USPQ2d 1333, 1336 note 2 (Fed. Cir. 1990).

- **Claim 1 is not anticipated by the Yamada reference.**

Claim 1 recites:

A fibrous non-woven non-heat seal porous web material consisting of a single, wet laid layer and comprising a substantially homogeneous mixture of 0.5 to 25 percent by weight of synthetic material with natural fibers comprising the remainder of said web material.

The Yamada reference is directed to a necessarily multi-layer automobile floor mat having antistatic fibers and properties. See, for example, FIG. 2 (layers 12, 14 and pile 13) and FIG. 8 (Layers 12, 14, 19 and pile 13). The multilayer structure is

necessary for the Yamada floor mat to function and meet the objectives of the Yamada invention (an antistatic floor mat for automobiles). See, for example, column 3, lines 67-68: "...and a backing up material (14) for fixing the pile (13) to the base cloth (12)" and column 7, lines 43-53:

The antistatic mat (11) according to the present invention is made by providing pile (13) including conductive compound fiber (15) having conductivity and electric discharge function, as shown in FIGS. 2-5 with the base cloth (12) in which the rear surface is reinforced by the backing material (14) made of synthetic resin such as vinyl chloride resin. The antistatic mat (11) having a structure as above enables to eliminate static electricity generated by friction caused by shoes through the conductive compound fibers (15) included in the pile (13).

The single layer web material of claim 1, and claims dependent therefrom, are not anticipated by the Yamada reference and are patentable for at least this reason.

- **Claim 2 is not anticipated by the Yamada reference for additional reasons.**

Claim 2 recites: "The web material of claim 1, comprising 1 to 10 percent by weight synthetic material." The Examiner explicitly asserted, with underlining added, that: "Yamada implies that the weight of the wood pulp fibers is 15% by weight, (column 8, lines 1-2), which implies that the synthetic fiber amount would be 20-70% by weight . . ." As discussed above, there is no teaching of Applicant's claimed web material in the Yamada reference. Arguendo, under the Examiner's stated reasoning, the "1 to 10 percent by weight synthetic material" limitation of Applicant's claim 2 is NOT anticipated by the Yamada reference. Applicant respectfully traverses the Examiner's assertion. Claim 2 is not anticipated by the Yamada reference for at least this additional reason.

- **Claim 4 is not anticipated by the Yamada reference for additional reasons.**

Claim 4 recites: "The web material of claim 1, having a basis weight of 9 to 19 g/m<sup>2</sup>." As discussed in Applicant's specification at page 1, lines 20-26, web materials used for infusion packages are generally tissue thin and characterized by light weight.

The recited basis weight is consistent with that found in such tissue web materials used for tea bags and other infusion products. The Examiner has not indicated where this feature is found in the Yamada reference.

Further, the Yamada reference is directed to an automobile floor mat. As is well known, automobile floor mats are substantially thicker and heavier than tissue paper having a basis weight of 9 to 19 g/m<sup>2</sup>. A tissue thin web material having a basis weight of 9 to 19 g/m<sup>2</sup> is incompatible with use as an automobile floor mat in that such a tissue thin web would be destroyed the first time a user entered the vehicle. Further, it does not appear possible to weave the pile 13 of Yamada through such a tissue thin web material. Applicant respectfully traverses this rejection. Claim 4 is not anticipated by the Yamada reference for at least this additional reason.

- **Claim 5 is not anticipated by the Yamada reference for additional reasons.**

Claim 5 recites: "The web material of claim 1, wherein the synthetic material is not fully thermally activated." Activation of synthetic materials is described in Applicant's specification at page 9, line 25 to page 10, line 26. The Examiner has NOT indicated where the Yamada reference teaches or suggests the use of synthetic material that is not fully activated. Applicant respectfully traverses this rejection. Claim 5 is not anticipated by the Yamada reference and is patentable for at least this additional reason.

- **Claim 6 is not anticipated by the Yamada reference for additional reasons.**

Claim 6 recites in part: "The web material of claim 1, wherein the synthetic material comprises synthetic pulp having a micro-fibrillar structure . . ." Synthetic pulp materials are described in Applicant's specification at page 6, line 14 to page 7, line 23. The Examiner has NOT indicated where the Yamada reference teaches use of a "synthetic pulp having a micro-fibrillar structure" as recited in claim 6 and described in Applicant's specification. Applicant respectfully traverses this rejection. Claim 6 is not anticipated by the Yamada reference for at least this additional reason.



- **Claim 7 is not anticipated by the Yamada reference for additional reasons.**

Claim 7 recites: "The web material of claim 6, wherein the synthetic pulp consists of a polyolefin material." Synthetic pulp materials are described in Applicant's specification at page 6, line 14 to page 7, line 23. The Examiner has NOT indicated where the Yamada reference teaches or suggests the use of synthetic pulp as described in Applicant's specification. Applicant respectfully traverses this rejection. Claim 7 is not anticipated by the Yamada reference for at least this additional reason.

- **Claim 11 is not anticipated by the Yamada reference for additional reasons.**

Claim 11 recites: "The web material of claim 1, wherein the natural fibers comprise long natural fibers." Long, natural fibers are described in Applicant's specification at page 5, line 23 to page 6, line 1. Page 6, line 1 indicates that long natural fibers are distinguished from wood fibers, which are shorter. The Examiner has NOT indicated where the Yamada reference teaches or suggests the use of long natural fibers as described in Applicant's specification. In fact, the Examiner's rejection for obviousness in this communication admits that such long natural fibers are NOT found in the Yamada reference. Applicant respectfully traverses this rejection. Claim 11 is not anticipated by the Yamada reference for at least this additional reason.

- **Claim 16 is not anticipated by the Yamada reference**

Claim 16 recites in one pertinent part: "A process of making a fibrous non-woven non-heat seal porous web material of enhanced dry crimp strength comprising: forming a slurry of natural fibers; adding synthetic materials to said slurry to form a furnish; wet laying said furnish to form a single layer web; . . ."

The Examiner has not indicated where the Yamada reference teaches a process of making a web material of enhanced dry crimp strength. Applicant respectfully traverses this rejection. Claim 16, and claims dependent therefrom, are not anticipated by the Yamada reference and are patentable for at least this reason.

- **Claim 18 is not anticipated by the Yamada reference for additional reasons.**

Claim 18 recites in one pertinent part: "wherein said web material has a basis weight of 11 to 17 g/m<sup>2</sup> and comprises 1 to 10 percent synthetic materials." As discussed above, the Examiner has not indicated where the Yamada reference teaches a web material having a basis weight of 11 to 17 g/m<sup>2</sup>. In fact, it appears that the Yamada material must be substantially heavier than this weight to be useful as a multilayer automobile floor mat.

Further and as also discussed above, the Examiner has specifically admitted that the Yamada reference does not teach a web material comprising 1 to 10 percent synthetic materials. Applicant respectfully traverses this rejection. Claim 18 is not anticipated by the Yamada reference for at least this additional reason.

**The rejection of claims 1, 5, 12-14 and 20-22 under 35 U.S.C. §103(a).**

Claims 1, 5, 12-14 and 20-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,213,865 to Yamada in view of U.S. Patent No. 5,431,997 to Scott et al or U.S. Patent No. 2,414,833 to Osborne.

- **Claims 20-21 depend from non-rejected claim 16 and are therefore patentable.**

Claim 16 is an independent claim that was NOT rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,213,865 to Yamada in view of U.S. Patent No. 5,431,997 to Scott et al or U.S. Patent No. 2,414,833 to Osborne. Therefore, claim 16 is NOT obvious over U.S. Patent No. 5,213,865 to Yamada in view of U.S. Patent No. 5,431,997 to Scott et al or U.S. Patent No. 2,414,833 to Osborne.

Claims 20 and 21 each depend directly from claim 16. Since independent claim 16 not obvious, claims 20 and 21, each directly dependent from claim 16, must also be not obvious. Applicant respectfully traverses this rejection of claims 20 and 21 and asserts that they are not obvious Under the Examiner's rejection.

- **The Examiner's position as best understood.**

Paragraph 20, spanning pages 5-6 of the Office communication states:

Yamada as in paragraph # 19 with the exception that the percent of transmittance is not stated and the amount of natural fibers varies.

Scott describes webs of the non-heat seal variety for producing porous web materials for infusion packages for brewing beverages (column 1, lines 8-13), which can include natural fibers, corresponding to jute, abaca, and wood fibers as well as lesser amounts of synthetic fiber materials, (column 3, lines 26-39).

Osborne describes synthetic thermoplastic filtering paper with utility for making tea bags, (column 1, lines 5-8, 50-54) with lengths of 3-9 mm., and in the amount of about 15-25 wt. %, (column 4, lines 74-75; column 5, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the natural fibers in major amounts of Scott or Osborne in the fabric of Yamada motivated with the expectation that these natural fiber materials of Scott or Osborne would function to enhance the properties of diffusion of the web material because of their light weight as noted by Scott, (column 3, lines 23-28). Moreover, since the basis weight overlaps the claimed invention it would be expected that one of ordinary skill in the art could routinely determine the % transmittance of the claimed invention.

As best understood the Examiner appears to be starting with the multilayer automobile floor mat of the Yamada reference and attempting to incorporate the fibers of the Scott and/or Osborne references into the floor mat of Yamada to enhance the properties of diffusion of the multilayer, Yamada automobile floor mat.

- **Problems with the Examiner's asserted position.**

Applicant presumes that the Examiner's reference to "paragraph # 19" above is in actuality a reference to paragraph #18 of the 11/26/03 Office communication as paragraph #19 is only a reference to the statutory language of 35 U.S.C. §103.

The Examiner asserts: "Yamada as in paragraph # 19 with the exception that the percent of transmittance is not stated and the amount of natural fibers varies." As

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discussed above in detail and with reference to paragraph 18, the Yamada reference does not teach or suggest many of the features of Applicant's claims.

The Examiner asserts that: "Osborne describes synthetic thermoplastic filtering paper with utility for making tea bags, (column 1, lines 5-8, 50-54) with lengths of 3-9 mm., and in the amount of about 15-25 wt. %, (column 4, lines 74-75; column 5, lines 1-3). The Examiner does NOT mention that the Osborne reference is directed to, with bolding added, "a process for preparing a novel filtering paper **having** thermoplastic, **heat-sealing characteristics . . .**" See column 1, lines 5-8. This is distinguished from Applicants claims which are directed to "a . . . non-heat seal . . . web material" (claim 1); "a process for making a . . . non-heat seal . . . web material" (claim 16; and a web material having "a heat seal seam strength that is unacceptable for use as a heat sealable, infusion packaging web material" (claim 22).

The Examiner asserts, with underlining and bracketed text added, that: "It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the natural fibers in major amounts of Scott or Osborne in the fabric of Yamada motivated with the expectation that these natural fiber materials of Scott or Osborne would function to enhance the properties of diffusion of the [Yamada] web material because of their light weight as noted by Scott, (column 3, lines 23-28)." Thus, the Examiner relies on this text of Scott supposedly illustrating fiber properties to provide a motivation to use the fibers of Scott or Osborne in the multilayer, automobile floor mat of Yamada. Column 3, lines 21-32 of the Scott reference states, with bolding added:

The present invention in its application to tea bags permits the use of commercially available, self-supporting infuser webs. **These webs are generally soft, tissue-thin fibrous materials characterized by light weight** but, when used as described hereinbefore, possess the disadvantage of somewhat limited seam integrity in boiling water. The webs are of the nonheat-seal variety and require mechanical fastening, i.e., folding and crimping, for the formation of the tea bag. Typical are

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the loosely formed, low density papers made of long natural fibers as described in Osborne U.S. Pat. Nos. 2,045,095 and 2,045,096.

When the text cited by the Examiner is taken in context, it is clear that the Scott reference is NOT discussing properties of the fibers themselves but is in fact discussing properties of infuser WEB MATERIALS such as used for tea bags. Contrary to the Examiner's assertion, this text provides NO motivation to use the fibers of the Scott invention in the web material of Yamada.

The Examiner also asserts that: "Moreover, since the basis weight overlaps the claimed invention it would be expected that one of ordinary skill in the art could routinely determine the % transmittance of the claimed invention." Since the Examiner has previously referred to the fabric of Yamada and since basis weight is a property of the fabric and not of fibers, this statement can only mean that the fabric of Yamada has a basis weight that overlaps the claimed invention. As discussed above, the Examiner has not indicated where the Yamada reference teaches or suggests that the basis weight of the multilayer automobile floor mat therein overlaps Applicant's claimed invention. In fact, and as also discussed above, the floor mat of the Yamada reference is very likely required to be many times heavier than an infuser web material to attain the objectives of the Yamada invention. As also discussed above it is NOT likely that a person of ordinary skill in the infuser web art would make a tea bag out of the multilayer automobile floor mat disclosed in Yamada or be able to test the first color or % transmittance of a tea bag made of the multilayer automobile floor mat of Yamada.

- **The rejection of claims 1, 5, 12-14 and 20-22.**

As stated in MPEP §2143, to establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings. Second,

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there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

- **There is no suggestion or motivation to combine the cited references.**

The Examiner asserts, with underlining and bracketed text added, that: "It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the natural fibers in major amounts of Scott or Osborne in the fabric of Yamada motivated with the expectation that these natural fiber materials of Scott or Osborne would function to enhance the properties of diffusion of the [Yamada] web material because of their light weight as noted by Scott, (column 3, lines 23-28)."

As discussed above, when the text of the Scott reference cited by the Examiner is taken in context it is clear that the Scott reference is NOT discussing properties of the fibers but is in fact discussing properties of known infuser WEB MATERIALS such as used for tea bags. Infuser web materials have little or nothing in common with a multilayer, automobile floor mat. Contrary to the Examiner's assertion, this cited text of the Scott reference provides NO motivation for to use the fibers of the Scott invention in the multilayer automobile floor mat of Yamada. Applicant respectfully traverses this assertion. Claims 1, 5, 12-14 and 20-22 are not obvious over the cited references for at least this reason.

Further, the Yamada does not teach or suggest that the multilayer, antistatic automobile floor mat of that reference has, or needs to have, diffusion properties similar to a tea bag. In fact, since an automobile floor mat protects the automobile floor it is more likely that the floor mat should have POOR infusion properties to prevent water and other materials from seeping through the multiple layers of the Yamada automobile mat. As support for their position Applicant points to column 8, lines 24-26 of the Yamada reference which teaches that the floor mat backing is solid poly vinyl chloride (PVC), a material known to be resistant to moisture penetration. Applicant respectfully traverses this assertion and requests that the Examiner support his reasoning that a person of ordinary skill would want to make an automobile floor mat more porous and

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less protective. Claims 1, 5, 12-14 and 20-22 are not obvious over the cited references for at least this additional reason.

- **There is no reasonable expectation of success to combine the cited references.**

The Yamada reference is directed to a multi-layer, antistatic automobile floor mat. The floor mat is substantially heavier than infusion web material such as used for tea bags and has a backing layer that is, at least in some embodiments, PVC. Arguendo, even if the fibers of Scott or Osborne were used in the multilayer, antistatic automobile floor mat of Yamada, the substantial weight of the multilayer floor mat and the backing layer would likely prevent any significant increase in permeability of that mat. Thus, there appears to be no reasonable chance of success in combining the cited references. Claims 1, 5, 12-14 and 20-22 are not obvious over the cited references for at least this additional reason.

- **The Yamada reference teaches away from combination with the Osborne reference.**

A reference that teaches away from a claimed invention does not provide the suggestion or motivation needed to anticipate or make obvious a claimed invention. In fact, the courts have stated that a reference that teaches away from a claimed invention is an indication of the nonobviousness of that invention. "A reference, however, must have been considered for all it taught, disclosures that diverged and taught away from the invention at hand as well as disclosures that pointed towards and taught the invention at hand." Ashland Oil, Inc. v. Delta resins & Refractories, Inc., 227 USPQ 657, 666 (Fed. Cir. 1985). "One important indicium of nonobviousness is 'teaching away' from the claimed invention by the prior art." In re Braat, 16 USPQ2d 1813, 1814 (Fed. Cir. 1990). The prior art reference must be considered in its entirety, including portions that would lead away from the claimed invention. See MPEP §2141.02.

- The Yamada reference is directed to a multilayer, antistatic, automobile floor mat

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while the Osborne reference is directed to a web material for use in tea bags.

- The Yamada reference teaches a material substantial enough for use as a floor mat. The Osborne reference is directed to tissue thin web materials.
- The Osborne reference teaches good infusion properties. The Yamada reference is silent on infusion properties, however the substantial thickness or a multilayer automobile floor mat and the inherent purpose of an automobile floor mat would purposely point to poor infusion properties.

Given these differences the Yamada and Osborne references can fairly be said to teach away from each other. Claims 1, 5, 12-14 and 20-22 are not *prima facie* obvious over the cited combination of Yamada and Osborne and are patentable for at least this additional reason.

- **The Yamada reference teaches away from combination with the Scott reference.**

As discussed above, a reference that teaches away from a claimed invention does not provide the suggestion or motivation needed to anticipate or make obvious a claimed invention. In fact, the courts have stated that a reference that teaches away from a claimed invention is an indication of the nonobviousness of that invention.

- The Yamada reference is directed to a multilayer, antistatic, automobile floor mat while the Scott reference is directed to a web material for use in tea bags.
- The Yamada reference teaches a material substantial enough for use as a floor mat. The Scott reference is directed to tissue thin web materials.
- The Scott reference teaches good infusion properties. The Yamada reference is silent on infusion properties, however the substantial thickness or a multilayer automobile floor mat and the inherent purpose of an automobile floor mat would purposely point to poor infusion properties.

Given these differences the Yamada and Scott references can fairly be said to teach away from each other. Claims 1, 5, 7-8, 12-14 and 20-22 are not obvious over the cited combination of Yamada and Osborne and are patentable for at least this additional



reason.

- **Claim 5 is not obvious over the cited references for additional reasons.**

Claim 5 recites: "The web material of claim 1, wherein the synthetic material is not fully thermally activated." Activation of synthetic materials is described in Applicant's specification at page 9, line 25 to page 10, line 26. The Examiner has NOT indicated where the Yamada reference teaches use of a synthetic material that is not fully activated. Adding the natural fibers of the Scott or Osborne references to make the multilayer, automobile floor mat of Yamada would NOT result in a multilayer automobile floor comprising synthetic material that is not fully thermally activated. Claim 5 is not obvious over the cited references and is patentable for at least this additional reason.

- **Claim 12 is not obvious over the cited references for additional reasons.**

Claim 12 recites: "The web material of claim 1 having a dry crimp strength at least twenty percent greater than a fibrous non-woven non-heat seal porous web material consisting of the same fibers but without the synthetic material." The Examiner has NOT indicated where the Yamada reference teaches or suggests a web material having a dry crimp strength at least twenty percent greater than a fibrous non-woven non-heat seal porous web material consisting of the same fibers but without the synthetic material. In fact, Applicant does not understand how you can fold a multilayer, automobile floor mat, even including the natural fibers of the Scott or Osborne references, a number of times to form a mechanically crimped seam. Applicant respectfully traverses this rejection. Claim 12 is not obvious over the cited references and is patentable for at least this additional reason.

- **Claim 14 is not obvious over the cited references for additional reasons.**

Claim 14 recites: "The web material of claim 1 having a first color within the range of 6 to 8 seconds and a %transmittance within the range of 50 to 75." As discussed in Applicant's specification at page 14, 1-19, first color and %transmittance"

refer to properties of an infusion web material such as used in a tea bag. The Examiner has NOT indicated where the Yamada reference teaches or suggests that the automobile floor mat therein has "a first color within the range of 6 to 8 seconds and a %transmittance within the range of 50 to 75."

Further, Applicant's specification at page 14, lines 12-14 states: "Of course, thicker, heavier basis weight materials typically have higher first color values than lighter basis weight materials." As discussed above the Yamada reference is directed to an automobile floor mat that will be many times heavier than the web material used for infusion purposes. It is very unlikely that a tea bag made of the automobile floor mat material of Yamada, even incorporating the natural fibers of the Scott or Osborne references, will achieve the first color and %transmittance values recited in claim 14. Applicant respectfully traverses this rejection. Applicant respectfully traverses this rejection. Claim 12 is not obvious over the cited references and is patentable for at least this additional reason.

- **Claim 20 is not obvious over the cited references for additional reasons.**

Claim 20 recites in one pertinent part: "wherein said web material has a first color within the range of 6 to 8 seconds and a %transmittance within the range of 50 to 75." As discussed above, the Examiner has NOT indicated where the Yamada reference teaches or suggests that the automobile floor mat therein has "a first color within the range of 6 to 8 seconds and a %transmittance within the range of 50 to 75." As also discussed above, it is very unlikely that a tea bag made of the multilayer, automobile floor mat material of Yamada, with or without the natural fibers of the Scott or Osborne references, will achieve the first color and %transmittance values recited in claim 20. Applicant respectfully traverses this rejection. Claim 20 is not obvious over the cited references for at least this additional reason.

- **Claim 21 is not obvious over the cited references for additional reasons.**

Claim 21 recites in one pertinent part: "The process of claim 16 including the

steps of forming an additional furnish comprising at least one of synthetic material or natural fibers and wet laying one of the furnishes over the other furnish . . .” The Examiner has NOT indicated where the Yamada reference teaches or suggests “the steps of forming an additional furnish comprising at least one of synthetic material or natural fibers and wet laying one of the furnishes over the other furnish”. Using the natural fibers of the Scott or Osborne references in the disclosure of Yamada does not remedy this deficiency. Applicant respectfully traverses this rejection. Claim 21 is not obvious over the cited references for at least this additional reason.

- **Claim 22 is not obvious over the cited references for additional reasons.**

Claim 22 recites in one pertinent part: “A non-woven porous web material, wherein: the web material consists of a single, wet laid layer; the web material has a basis weight from about 9 g/m<sup>2</sup> to about 19 g/m<sup>2</sup>; . . .” The Yamada reference teaches an automobile floor mat. As discussed above, the Examiner has not indicated where the Yamada reference teaches a web material having a basis weight of about 9 g/m<sup>2</sup> to about 19 g/m<sup>2</sup>. In fact, it appears that the Yamada material must be substantially heavier than this weight to be useful as an automobile floor mat. Using the natural fibers of the Scott or Osborne references in the disclosure of Yamada does not remedy this deficiency.

Claim 22 recites in another pertinent part: “the web material is acceptable for use as infusion packaging web material; . . .” As also discussed above, it is very unlikely that the multilayer automobile floor mat of Yamada, with or without the natural fibers of the Scott or Osborne references, would be acceptable for use as an infusion packaging material such as used in tea bags.

Claim 22 recites in another pertinent part: “the web material comprises a substantially homogeneous mixture of about 0.5 percent to about 25 percent by weight of synthetic material selected from polyethylene, polypropylene, polyester and mixtures thereof . . .” The Yamada reference is directed to a multilayer, automobile floor mat. It does not seem possible for a multilayer structure to be a substantially homogeneous

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mixture. Using the natural fibers of the Scott or Osborne references in the disclosure of Yamada does not remedy this deficiency. Applicant respectfully traverses this rejection. Claim 22 is not obvious over the cited references for at least these additional reasons.


In summary, Applicant has addressed each of the rejections within the present Office Action. It is believed the application now stands in condition for allowance, and prompt favorable action thereon is respectfully solicited.

The Examiner is invited to telephone Applicant's attorney if it is deemed that a telephone conversation will hasten prosecution of this application.

Respectfully submitted,

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